

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:20-cv-00954-WO-JLW**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and
VITAL MANAGEMENT SERVICES,
INC.,

Defendants.

**DEFENDANTS' MOTION TO
SEAL**

Defendants Nicholas Del Rosso (“Del Rosso”) and Vital Management Services, Inc. (“VMS”) (collectively, “Defendants”), by and through their undersigned counsel, and pursuant to the Court’s August 9, 2023 Order on several motions to seal (D.E. 264), and Local Rules 5.4 and 5.5, hereby move this Court to seal Exhibit 1 to Plaintiff’s reply brief filed in support of his Motion to Compel (D.E. 163-1). In support of this Motion, Defendants state the following:

1. On August 9, 2023, the Court ordered that it would delay a ruling regarding the unsealing of any documents relating to Plaintiff’s Motions to Seal at D.E. 164, 168, and 173 until Tuesday, August 15, 2023, allowing Defendants, as the party asserting confidentiality, an opportunity to file the necessary items required to show why sealing is necessary. (D.E. 264, p.10-11).

2. Accordingly, after review and consideration, Defendants withdraw their requests for sealing with regard to Motions to Seal at D.E. 168 and 173.

3. With respect to D.E. 164, Defendants request a narrow redaction of D.E. 163-1 solely to redact the personal, non-public email address of Defendant Nicholas Del Rosso.

4. Sealing of this information is warranted, as D.E. 163-1 contains personal, non-public identifying information of Defendants. *See, e.g., Warner v. Midland Funding, LLC*, 2021 WL 3432556, at *7 (M.D.N.C. Aug. 5, 2021) (granting motion to seal “as it relates to all personal identifying information” that was “not relevant to the Court’s decision”).

5. The email addresses and personal non-public contact information of the parties are not relevant to the matters before the Court.

6. Accordingly, sealing of this specific information is appropriate here as public knowledge of D.E. 163-1 would not enhance the public’s understanding of the dispute at bar.

7. Therefore, Defendants’ interest in keeping this personal non-public information sealed outweighs any interest that the public would have in this information.

8. Defendants have narrowly tailored this request as to make it the least drastic means of protecting the confidentiality of this information as possible.

9. In light of the above, Defendants seek to permanently seal D.E. 163-1, subject to the filing of a public redacted version.

10. In accordance with the Local Rules, Defendants will submit a Local Rule 5.4 Checklist to Judge Osteen's ECF mailbox within three (3) business days of filing this Motion.

WHEREFORE, Defendants respectfully request that the Court seal D.E. 163-1.

Respectfully submitted, this the 15th day of August, 2023.

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

By: /s/ Brandon S. Neuman
Brandon S. Neuman, NCSB# 33590
Jeffrey M. Kelly, NCSB# 47269
John E. Branch III, NCSB# 32598
Nathaniel Pencook, NCSB# 52339
Sam A. Rosenthal
301 Hillsborough Street, Suite 1400
Raleigh, North Carolina 27603
Telephone: (919) 329-3800
Facsimile: (919) 329-3799
brandon.neuman@nelsonmullins.com
jeff.kelly@nelsonmullins.com
john.branch@nelsonmullins.com
nate.pencook@nelsonmullins.com
sam.rosenthal@nelsonmullins.com
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of August, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send electronic notification of filing to the following:

Jonathan D. Townsend
Christopher W. Jones
Ripley Rand
Womble Bond Dickinson (US) LLP
555 Fayetteville Street, Suite 1100
Raleigh, NC 27601
jonathon.townsend@wbd-us.com
chris.jones@wbd-us.com
ripley.rand@wbd-us.com

Ian A. Herbert
Lauren E. Briggerman
Kirby D. Behre
Timothy O'Toole
Cody Marden
Calvin Lee
Miller & Chevalier Chartered
900 16th Street, N.W.
Washington, D.C. 20006
iherbert@milchev.com
lbriggerman@milchev.com
kbehre@milchev.com
totoole@milchev.com
cmarden@milchev.com
cleee@milchev.com

**NELSON MULLINS RILEY &
SCARBOROUGH, LLP**

By: /s/ Brandon S. Neuman
Brandon S. Neuman, NCSB# 33590
Jeffrey M. Kelly, NCSB# 47269
John E. Branch III, NCSB# 32598
Nathaniel J. Pencook, NCSB# 52339
Sam A. Rosenthal
301 Hillsborough Street, Suite 1400
Raleigh, North Carolina 27603
Telephone: (919) 329-3800
Facsimile: (919) 329-3799
brandon.neuman@nelsonmullins.com
jeff.kelly@nelsonmullins.com
john.branch@nelsonmullins.com
nate.pencook@nelsonmullins.com
sam.rosenthal@nelsonmullins.com
Counsel for Defendants